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## IN THE CIRCUIT COURT OF THE THENTIETH JUDICIAL COURT

PROPILE OF THE STATE OF ILLIMOIS, ex rel. THE DEPARTMENT OF PUBLIC REALTH, STATE OF ILLIMOIS,

Plaintiff,

AT LAW

20.

SAUGHT AND COMPANY 2902 Honsanto Avenue Sauget, Illinois,

Defendent.

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The Plaintiff, People of the State of Illinois, on the relation of the Department of Public Health, State of Illinois, by John M. Rerns, Jr., State's Attorney, County of St. Clair, State of Illinois, its attorney, complaining of the defendant, Sauget and Company, for cause of action says:

- 1. The Plaintiff is a Department created by Section 3 of The Civil Administrative Code of Illinois. (Ch. 127, per. 3, 111. New. Stat. 1967.)
- 2. Franklin D. Toder, is the Director of the plaintiff, The Department of Public Health, State of Illinois, as provided by Section 4 of The Civil Administrative Code of the State of Illinois. (Ch. 127, per. 4, Ill. Rev. Stat. 1967.)
- 3. That at all times bereinefter mentioned there was in full force and effect "AN ACT in relation to the registration and regulation of refuse disposal sites and facilities and making an appropriation therefor." Amended and approved August 4, 1967, L. 1967, p. 1864, H.B. No. 391, (Sections I to 6 inclusive, Ch. 111 1/2, pers. 471 to 476 inclusive, Ill. Rev. Stat. 1967), a true copy of said Act is attached hereto, incorporated herein by reference, made a part hereof, designated as Exhibit "A", and hereinefter referred to as the "Refuse Disposal Act".
- 4. That at all times bereinsfter mentioned there was in full force and effect certain rules and regulations for refuse disposal sites and facilities promulgated and adopted by the plaintiff department, a true copy of which is attached hereto, incorporated herein by reference, nade a part hereef, and designated as

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- Exhibit "3". These rules and regulations were prepared and adopted pursuant to the structure substitute executes the account. The substitute extraction regulation of the Arthur Diameter acc.
- 5. That this action is brought pursuant to a request by the Director of the Plaintiff Department in accordance with the provisions of Section 3, paragraph 473 of the Refuse Disposal Act.
- 6. The defendant, Saugst and Company, some and/or operates a refuse disposal site and facility located on Lot 304 of the Sixth Subdivision of the Cahokia Commons, Township 2 North, Range 10 West of the 3rd Principal Meridian, St. Clair County, Illinois.
- 7. That as of April 11, 1966, and ever since said date, the defendant has used, and is still using, the above described premise as a refuse disposal site for the deposit of "refuse" as the quoted term is defined in Section 1, persgraph 471, of the Illinois Refuse Disposal Act.
- 8. The Plaintiff has determined that the construction, sanitation, operation and maintenance of the defendant's refuse site and facilities do not meet the minimum standards set forth in the rules which implement Sections 1 and 3, persgraphs 471 and 473, of the Illinois Rafuse Disposaf'Act.
- 9. The defendant has failed to provide screening for the employee's shelter, in violation of Rule 4.03(c) of the eforementioned rules and regulations.
- 10. Easy access to the site is possible during the hours when operating personnel are not on the site, in violation of Eule 5.02.
- 11. The defendant has failed to provide portable fencing so to prohibit litter from blowing across the site onto adjacent areas, in violation of Rule 5.04.
- 12. All refuse had not been covered on July 21, 1968 in accordance with Rule 5.07 of the aforementioned rules and regulations.
- 13. The defendant is accepting hazardous meterials at the eite without prior approval from this Department, in wielsties of Eule 5.08.
- 14. The defendant has not not the minimum requirements or standards of the Plaintiff Department as aforesaid, and has failed and refused to case and desist

using, or permitting the use of said land as a refuse disposal site and facility; and still fails and refuses to so do.

15. That, unless enjoined by this court, defendant will continue to use, or permit the use of said lands so a refuse disposal site or facility, to the further irreparable damage of the plaintiff, for which they have no adequate remain at law.

MEXIFORE, plaintiff prays that writ of temporary injunction may issue nerves the policies described the second described the second described the second of the second described the second of the second described described the second described described the second described describ

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- (a) That after trial hereof, said writ of temporary injunction may be made permanent;
- (b) That plaintiff may have such other and further, or different, relief in the premises as the court shell does equitable and proper; and
  - (c) For costs of suit.

JOIN M. KARRS, JR.
State's Attorney
St. Clair County
State of Illinois
Attorney for Plaintiff